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STATE DOCUMENTS

# Butte neighborhoods



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# INTRODUCTION



The firm of Stevens, Thompson & Runyan, Inc., was retained by the Butte-Silver Bow City-County Planning Board in April 1972 to undertake the completion of the Butte-Silver Bow Comprehensive Plan.

The scope of work includes three major elements: a Central Business District Plan, Neighborhood Analysis and Sketch Plans, and a Public Improvements Program. The Public Improvements Program includes code reviews and a Capital Improvements Program. This document contains the results of the studies and plans for the Neighborhood Analysis and review of City and County Zoning Ordinances and Building Codes. The Central Business District Plan and Capital Improvements Program are contained in separate reports. Of the total project effort, approximately 85% was devoted to the Central Business District Plan.

# NEIGHBORHOOD STUDIES

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## ACKNOWLEDGEMENTS

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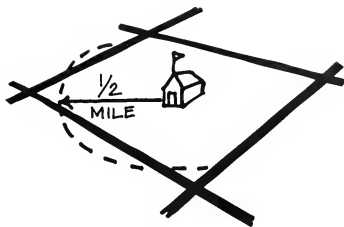
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# neighborhood concepts

The idea of neighborhoods as identifiable units of either social, economic, or physical phenomenon is not a new concept. Neighborhoods have existed in one form or another, whether planned or accidental, in most all recorded settlements throughout the progression of civilization. However, most of the theory available today is of pre-World War II vintage, some even from the "City Beautiful" movement of the early 20th Century. Unfortunately, there is little empirical data available to completely substantiate various hypotheses, but evidence which has come forth in the last few years tends to dispel earlier notions of neighborhood organization.

In simplistic terms, the most widely utilized model for neighborhood development has been based on the elementary school. The essential elements include the elementary school, usually in conjunction with a park, located in the center with an approximate half mile walking radius. Also contained within the neighborhood are necessary shopping and service facilities while arterials and collector streets are relegated to the periphery.

This type of neighborhood expression was the outgrowth of earlier theory predicated on social and economic functions. The ethnic character of neighborhoods, especially in the early portion of this century in urban areas, was the most pronounced manifestation of this concept. Immigrant minorities naturally tended to congregate together for mutual support and in many instances for survival. The Butte area, in its early history, was an example of this type of ethnic settlement pattern. In this instance, small ethnic settlements eventually merged together, forming a larger urban area.

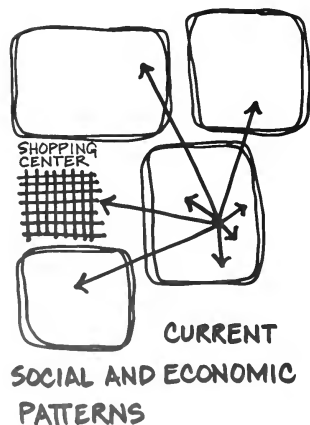
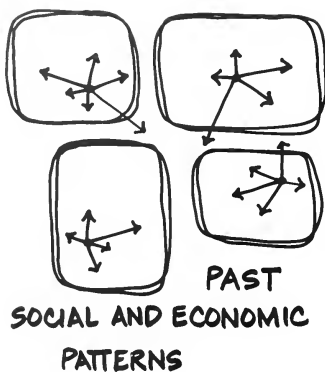


**WALKERVILLE**

**CENTERVILLE**

**MEADERVILLE**

**BUTTE**



In any case, the immigrant in this country experienced an immediate “cultural shock.” His ability to survive and function within this society was to a great degree dependent on the neighborhood which allowed him to retain many of the cultural habits necessary to maintain a familiar life style. Without the reinforcement quality of the ethnic neighborhood, the shock of an unfamiliar and hostile society would have been devastating.

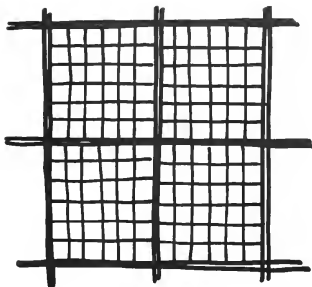
Besides maintaining familiar social patterns, the neighborhood also provided necessary economic functions. Families of the early 1900’s were not particularly mobile. With the exception of utilizing public transport to and from work, movement from place to place was rare. The neighborhood, by necessity, developed its own support services required to maintain life—retail trade and services. In essence, the early neighborhoods were self-contained worlds providing their own pattern of social interaction and economic dependence to residents who as yet did not have readily available personal transportation.

The effect of family mobility, especially since the post-war years, has now caused serious doubts as to the validity of earlier neighborhood theory. The automobile as a means of personal transportation has had a major impact on urban life. Families are now highly mobile. They change residences on an average of once every seven years. The result has been a trend towards homogeneity of urban areas in which the social and economic influences are less discernible between neighborhoods. Neighborhoods are less stable, since residents are continually “moving in” and “moving out.” Social patterns have also changed. No longer are social contacts limited to one’s immediate neighborhood. People are more likely to have friends located throughout an urban area rather than within their own neighborhood. This situation is much the same for shopping patterns. The corner grocery store is much less important in supplying family food than is the large supermarket, which may be several miles from home.

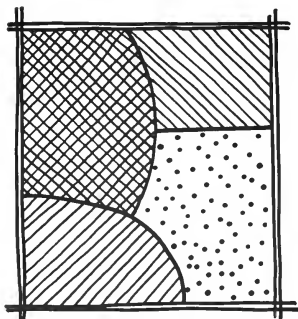
Essentially, increased mobility has allowed the family to utilize the entire urban area in contrast to earlier dependence on the neighborhood for basic staples. This major shift in life style has raised several pertinent questions regarding neighborhoods. If the neighborhood concept is still viable, then what function or functions should it perform? And, relative to these functions, at what scale should the neighborhood unit operate?

It would seem that the neighborhood concept is viable today, but perhaps for a different and more basic reason. Increasing evidence from the social sciences (sociology and psychology) indicates that man has definite need to relate to and identify with the physical environment composing the area in which he lives. It appears to be a problem which has been provoked by the homogeneity of urban areas. First, there is the problem of orientation within the environment—that is, to know how and to be able to describe where “home” is in relation to the total urban environment. Second is the underlying need to belong to a particular place which has a particular identity. Unlike the earlier neighborhood developments relying on social and economic activities, “orientation” and “place” are heavily predicated on the physical environment, and with the increasing homogeneous nature of our society and its physical manifestations, these notions are difficult to achieve.

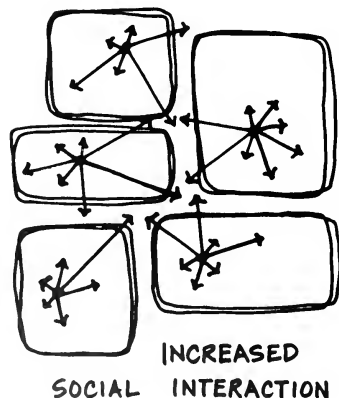
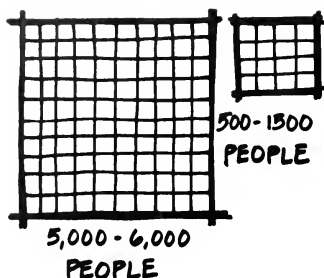
One needs only to carefully observe the environment around him to see the effect of persons either consciously or subconsciously manipulating space and objects to reflect some individuality in their work and home environments. These may be subtle changes, but they do relate that a particular individual or family utilizes an area and that they are unique from others. A person’s choice in neighborhood and in housing is the strongest expression of place and life style, and to a major degree it is the physical environment which manifests this notion.



**HOMOGENEOUS  
NEIGHBORHOODS**



**NEIGHBORHOOD  
VARIETY**



Scale is also critical to the concept of neighborhoods. Again, evidence indicates that the area people relate to is relatively small. Here again, population densities, circulation patterns, existing physical features, and type of housing work as intervening variables. Current thinking places neighborhood populations between 500 and 1500. This is far less than earlier theories which proposed 5000-6000 persons per neighborhood. In the case of Butte, the relatively low-density suburban housing situation would suggest the low end of this scale will be more appropriate, otherwise the neighborhood will become too large in physical dimension.

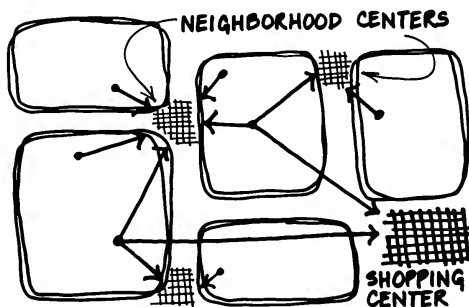
Present thought also indicates that the neighborhood still should play social and economic roles. These roles are, however, secondary to the notions of "orientation" and "place," and they are different in nature to earlier social and economic functions of neighborhoods.

The sociological role which many social scientists believe neighborhoods can perform is one of increasing the possibilities of interaction among people. This is based on the notion that increased social contact and interaction among one's neighbors helps to enrich the individual's life. This type of interaction can in turn help to create what may be best described as "community spirit," which in turn can transcend other areas of urban life beyond the physical environment.



Economics are also playing a role, but again, it is different than before. Although mobility has allowed greater utilization of the entire urban area, we find that for convenience it is desirable to have certain retail and service functions closer to home rather than driving several miles to the shopping center. There is also a large consumer market, the young and the elderly, who do not always have access to large retail areas and must rely on neighborhood facilities for certain goods and services. As a result, there is increased interest in maintaining the neighborhood store, ice cream parlor, barber shop, etc.

The inclusion of these operations within the residential environment also relates to the other functions. As physical elements, they lend delineation and identity to neighborhoods. As places of gathering, they provide an arena for social interaction. In essence, the various functions tend to mutually reinforce each other.



Perhaps in a summary form the function and value of neighborhoods as identifiable entities might be stated in the following manner:

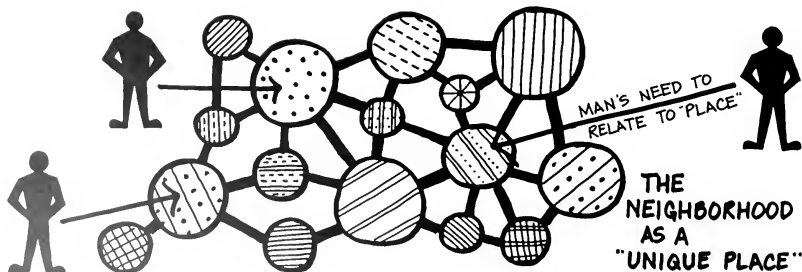
IF people, for psychological and sociological reasons, need to identify and relate to an area or territory to which they feel they belong;

THEN (1) this territory (or neighborhood), although variable in size and configuration, should be relatively small, and (2) physical elements are of primary importance in the delineation of these areas.

Further, it can be stated that...

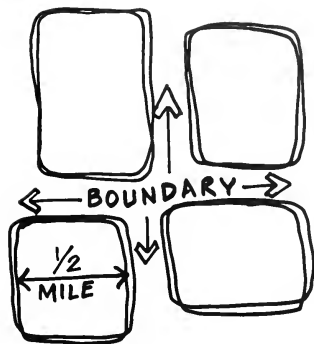
IF the physical elements composing neighborhoods are properly structured;

THEN they will help generate desirable social patterns and support facilities which will in turn reinforce the neighborhood concept by enriching the quality of urban life.

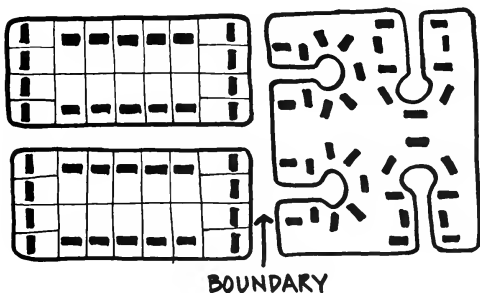


Research indicates that people tend to relate to relatively small areas ranging from the individual's dwelling unit to a several-block area, with the upper end of the scale being no larger than convenient walking distance. This would tend to produce neighborhood units which should not be larger than  $\frac{1}{2}$ -mile across. This is quite a bit smaller than the earlier concept of utilizing grade school boundaries.

The basic notion in the proposed neighborhood concept is to utilize the physical elements of the environment to produce identifiable residential areas. Primary to this notion is the development of boundaries, for it is the boundary which physically separates neighborhoods from one another making them recognizably separate and unique entities.



The development of boundaries can be as forceful as a freeway or river, or they can be as subtle as an apartment area backing a single-family dwelling subdivision or the change from a grid pattern to a curvilinear street pattern. The critical factor is that the physical environment provides visual cues as to where the individual's neighborhood begins and ends, and it does so at a scale which the resident can easily relate to and perceive.

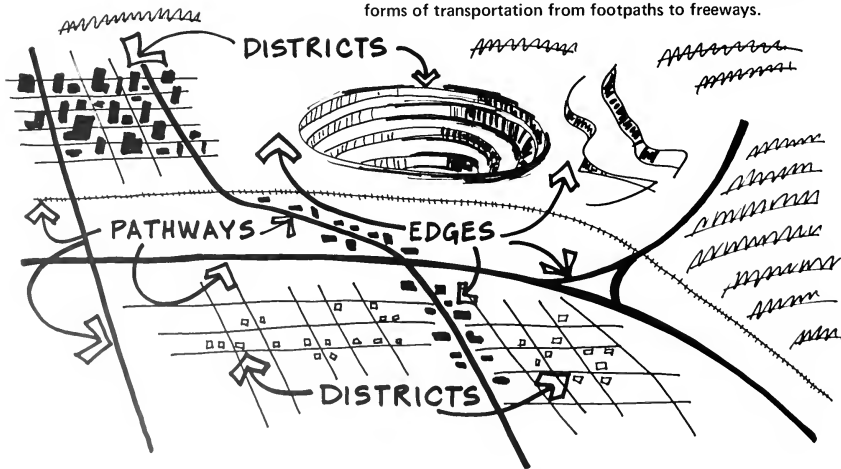


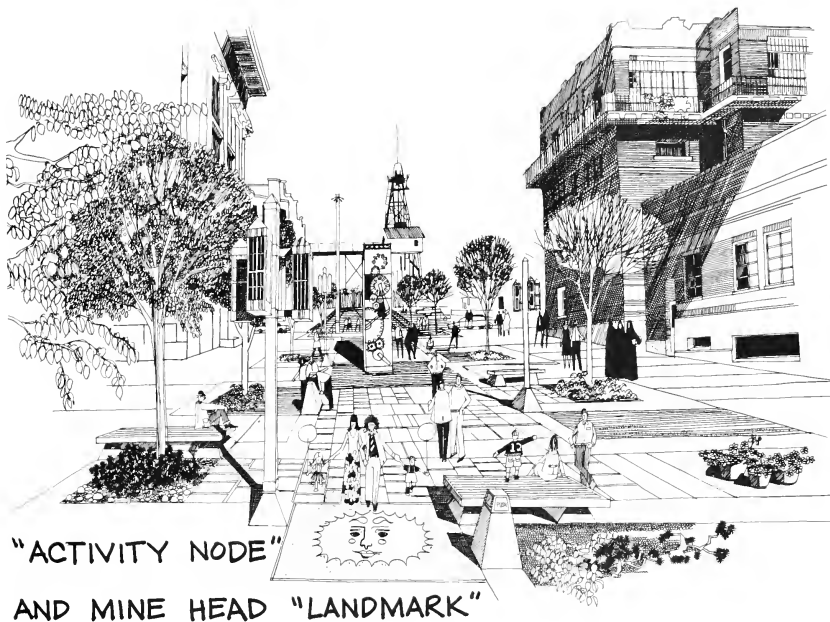
Kevin Lynch, who has been one of the leading investigators of urban form, has concluded that people perceive their environment by constructing mental images utilizing five basic concepts. These he calls districts, edges, pathways, landmarks, and nodes. The development of neighborhoods coincides with these perceptual elements.

**Districts:** These are urban spaces in a larger context, such as the Uptown Area, Flats, the Country Club Area, or the Airport Area. In the neighborhood development for Butte, these areas have been called "Study Areas" and are in turn composed of various neighborhoods.

**Edges:** Edges or boundaries are the termination points of either districts or individual neighborhoods. These can occur as abrupt physical barriers or as subtle transition areas.

**Pathways:** These are the major and minor routes used by people to move from one point to another. These include all forms of transportation from footpaths to freeways.

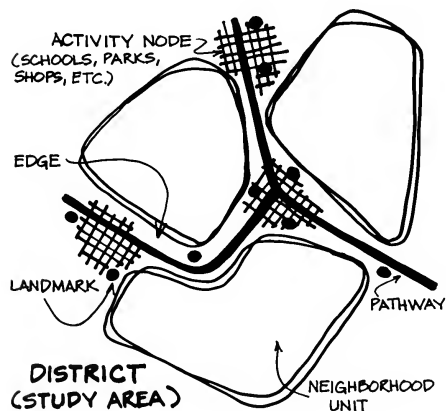




**Landmarks:** Landmarks consist of prominent visual features, which identify an area and/or help orient people within the urban environment. Landmarks could include historic buildings, mine heads, the School of Mines, the Berkeley Pit, schools, hospitals, etc.

**Nodes:** Nodes are defined as centers of activity and can include neighborhood schools, a shopping center, park, or Mom and Pop grocery store.

Since it appears that people perceive their environment in these terms, the concept proposed for Butte utilizes these elements to strengthen the idea of neighborhoods. First, the district is utilized in the large-scale context to identify a general area which has similar characteristics. Secondly, the concept of edges or boundaries is used to identify neighborhoods. Third, the ideas of pathways, landmarks, and nodes are incorporated within the boundary to strengthen the notion of the individual residential neighborhood. In essence, districts are divided into smaller neighborhood units by developing boundaries composed of major and minor traffic arterials, churches, schools, neighborhood shopping areas, greenways, etc. The end result is a series of intimate residential neighborhoods delineated by physical elements.



There are basic differences between this concept of neighborhood organization and the previous model utilizing the grade school as an organizational influence. There are two basic faults with this earlier model. First, the enrollment boundary of a school is not a physical element. Increased mobility has caused school enrollments to fluctuate. In an effort to maintain stable enrollments, school boundaries change, and in many instances students are even bused from one area to another. As a result, the enrollment area may have little relationship to the original neighborhood which it was designed to serve. Secondly, the scale of the earlier neighborhood was just too large for the individuals to relate to easily.

The proposed concept is to develop much smaller neighborhood units which are well defined by boundaries. It may take several neighborhoods to support an elementary school, and if the school boundary changes it will not have an appreciable influence on the neighborhood. The important consideration is that the school is a physical element of the environment and as such, its placement should occur within the boundary area between neighborhoods along with other activities and elements which will strengthen the notion of the boundary, thereby defining residential neighborhoods. In this manner, the neighborhood as a unit can begin to physically express a kind of character or life style which is separate and unique from others, in turn giving variety and interest to urban form rather than continuing to proliferate dull, lifeless, and homogeneous residential environments.

# study approach

Because of the limited budget allocated to the neighborhood analysis portion of the entire Butte program, the approach taken has been to outline the basic concepts of neighborhood theory and then to apply these concepts to the Butte Urbanizing Area. This has been accomplished through visual surveys of all the study areas noting various elements and problems. This information is illustrated in graphic form with accompanying text. The information gathered from this survey was then integrated with the theoretical concepts and a "sketch plan" was prepared.

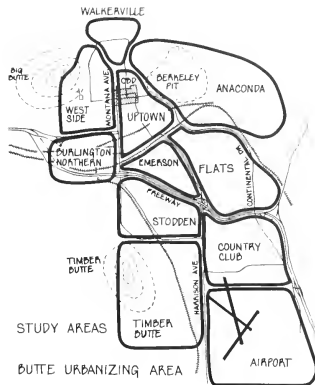
The sketch plan is intended to be a general guide illustrating how neighborhood units could be established within the various study areas utilizing the theoretical background. The kinds of suggestions outlined in these plans are those which satisfy the criteria previously set forth. This is not to say that other ideas or proposals would not also satisfy these conditions. The sketch plan merely represents one set of notions which should produce desirable results. These are not the only plans which could be developed nor necessarily should they be; but rather, they are intended to generate overall guidance and to stimulate additional ideas and solutions which could be utilized when detailed plans are created at the local level. These plans are, in essence, the first step of a design process which will eventually involve local citizens and local planners in the development and implementation of viable neighborhood plans.



As previously noted, study areas are established as a means of identifying various districts which have similar characteristics. The names of these areas are similar to the names of planning districts as outlined in the Land Use Plan for the Butte Urbanizing Area. However, the boundaries are not necessarily coincidental.

In addition, three study areas are not illustrated in the neighborhood analysis. These are the Central Business District, Anaconda, and Burlington Northern. The entire CBD plan is covered in a separate report, and for all practical purposes the Burlington Northern Area is void of residential development, and there is no housing proposed for this area. The Burlington Northern Study Area functions primarily as a boundary area as outlined in the earlier conceptual analysis, however, because of its large size it has been delineated as an area in itself.

The Anaconda Study Area presently contains two neighborhood areas—McQueen and Columbia Gardens. However, both areas will eventually be eliminated as a result of expanding mining operations. The elimination of these areas will be a definite loss to the entire community, especially McQueen which was an extremely cohesive residential neighborhood.



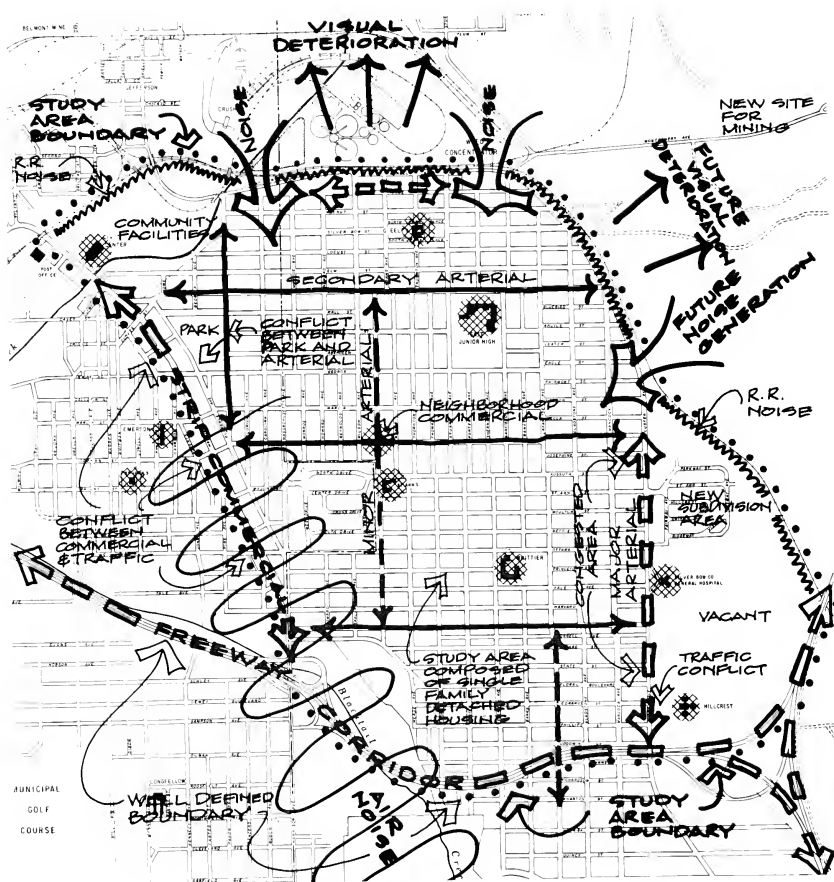
## flats

Flats is characterized by a predominance of single-family detached housing which has been developed on a dominant grid pattern. With the exception of the Hillcrest Area, a newly developing subdivision, this study area is extremely homogeneous. Major problems include cross traffic through potential neighborhood areas, the adjacent and expanding Anaconda operations, poor development of major peripheral traffic arterials (Harrison Ave. and Continental Dr.) and lack of neighborhood identity.

Although homogeneous in physical form, there are existing elements which could be utilized to delineate neighborhoods. Fortunately, the study area has well-defined peripheral boundaries. However, internal boundary definition breaks down. Nevertheless, there is potential to utilize feeder streets in conjunction with existing facilities such as schools, parks, neighborhood commercial areas, and the hospital to form neighborhood boundaries.

Harrison Ave. continues to be the major problem area. Its status as a major traffic arterial is impeded by and conflicts with the strip commercial activities. The result is a mile of arterial which cannot move traffic efficiently, and because of the number of uncontrolled access points and cross streets, the situation is hazardous.

# existing conditions



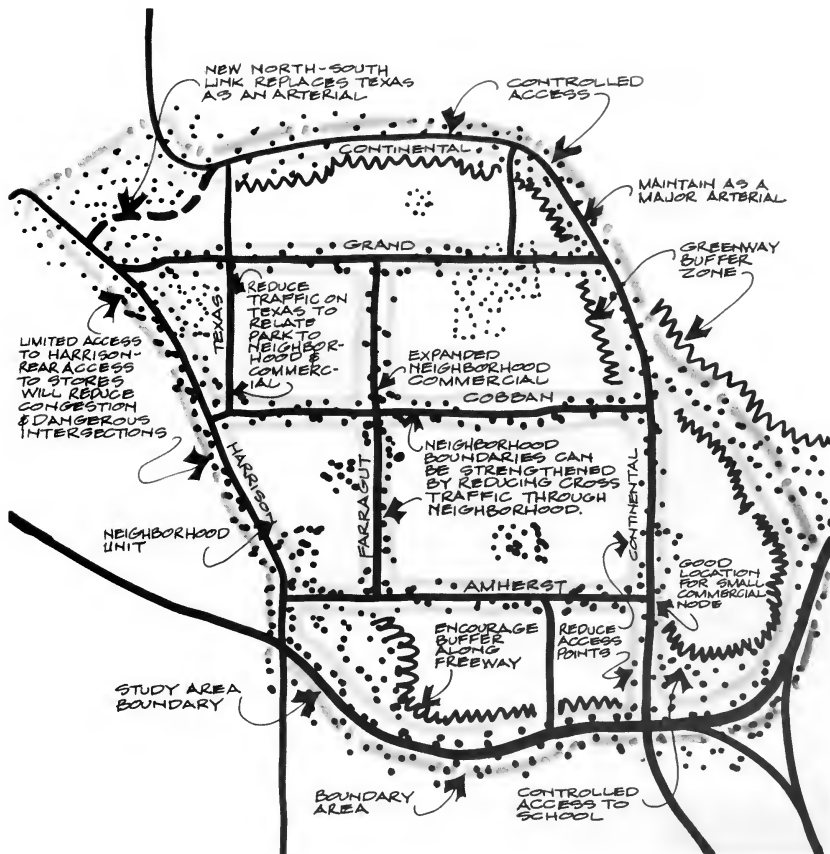
The major proposal involves creating safe, efficient peripheral arterials intended to induce traffic movement around the study area thereby reducing the amount of cross traffic through potential neighborhood areas. It is suggested that cross traffic on Harrison Avenue be considerably reduced by eliminating the number of intersections with minor streets. In addition, access to commercial operations should be encouraged to occur from side streets or from the rear rather than directly off Harrison. This would also help relate these activities to abutting residential neighborhoods.

The number of intersections on Continental Drive should also be reduced and controlled. In conjunction with development of this arterial, an extensive buffer zone can be created to reduce the visual and noise problems resulting from existing and proposed Anaconda operations.

The study area has been divided into a number of small neighborhoods by developing a system of feeder streets. Remaining cross traffic would also be encouraged to use these streets rather than going through various neighborhoods. The major change would be the elimination of Texas Avenue as the main connection between Harrison and Continental. Instead, a new link is proposed to the north near the community center building. In this manner Texas Avenue will not split two potential neighborhood areas, and the large park contiguous to Texas Avenue can be better utilized by the residents of the immediate neighborhood.

Various activity nodes already exist along most of the proposed feeder streets—schools, hospital, and some small convenience services. These existing nodes and landmarks should be utilized to develop neighborhood boundaries. Also, placement of new facilities should occur in the boundary situation and not in the center of the residential neighborhoods.

# sketch plan



# country club

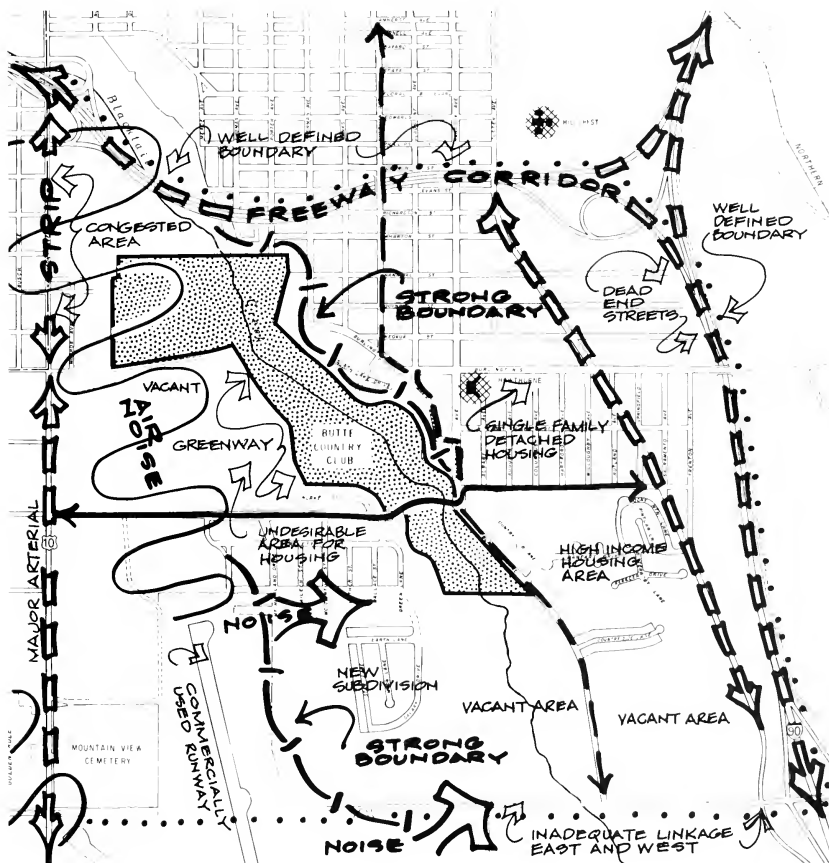
The Country Club Study Area is emerging as a typically higher income suburban development. The existence of the golf course and its amenity of open space quality have probably made this area attractive to high-income families. It is also likely that the vacant lands in this study area will continue to be developed in this fashion.

The major problem for this area is its relative proximity to the airport runways and flight paths which generate an extreme amount of noise. Potential expansion of the airport facilities will also add to the problem.

Traffic flow in the area is also emerging as a problem. The northern area has problems of too much cross traffic, and Elizabeth Warren Street is not designed to handle the amount of east-west traffic which is being generated or will be generated between Harrison Avenue and this study area. In addition, the area between Continental Drive and the freeway has the problem of dead end streets with no cul de sacs.

In addition to the traffic problems, new subdivisions are occurring without any relation to the surrounding area or to circulation considerations. Continuation of this haphazard development will produce fragmentation rather than cohesive neighborhood units.

# existing conditions



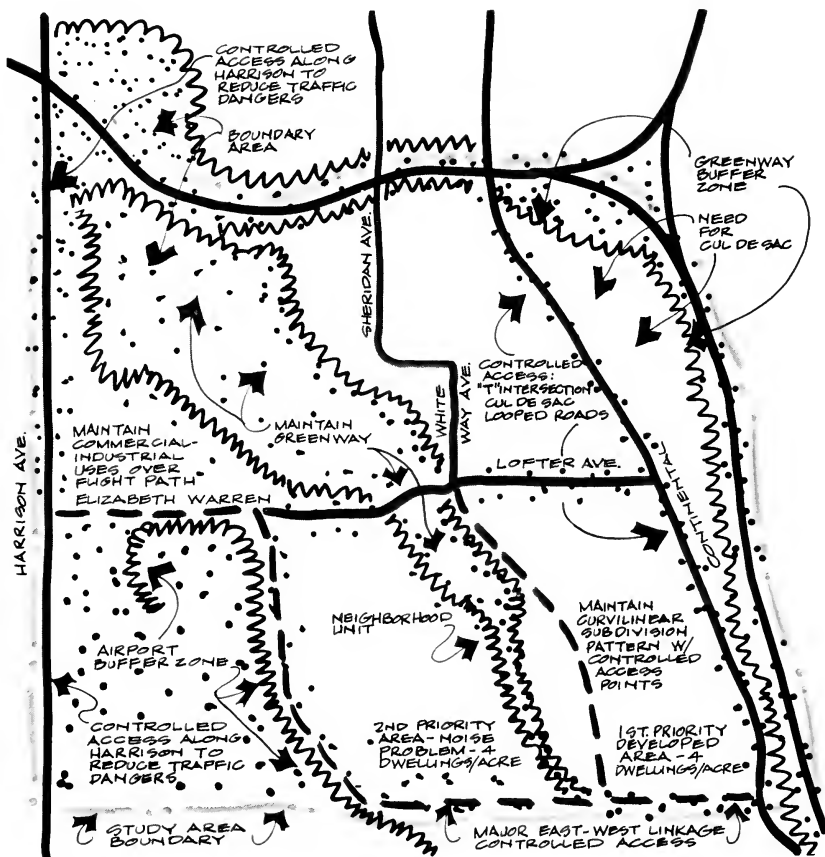
# country club

The major amenities of the area, which can also be used as organizational elements, are the existing golf course and the proposed greenway extension to the south along Blacktail Creek. Besides providing a boundary zone which divides the area into appropriate neighborhood units, this greenway can be utilized as a design amenity in organizing future subdivision patterns.

Continental Drive should be developed into the main north-south traffic arterial. This would require eliminating some existing intersections in order to produce a safe, efficient street, and future access points will also need to be controlled. Hopefully, this would reduce the amount of neighborhood cross traffic by making Continental Drive more attractive as a traffic mover. In addition to Continental Drive, a new east-west arterial is needed to connect Harrison Avenue with the freeway interchange. It would follow the airport boundaries and could be constructed in conjunction with a major buffer zone helping to insulate the residential areas from the disamenities of the airport. This arterial would provide a direct link to the freeway thereby reducing the traffic load which now utilizes Elizabeth Warren Street. Furthermore, this arterial could provide access to future neighborhood areas.



# sketch plan

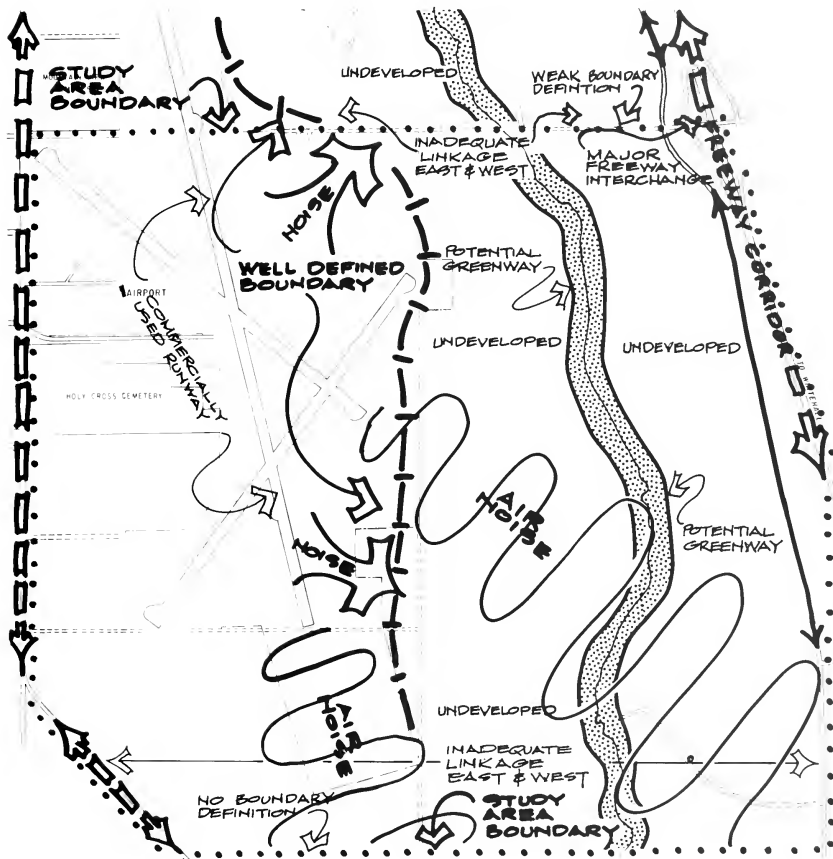


# airport

In terms of residential use, this study area is essentially undeveloped. Existing development includes the airport facilities and scattering of industrial and commercial activities along Harrison Avenue. As a practical matter, it will be some time before this area needs to be committed to housing because of the existence of vast undeveloped areas closer to the urbanized area and to existing services. Therefore, this area should not be committed to urbanization until there is a demonstrated need for additional residential development.

When and if residential development becomes necessary, the major problem will be the close proximity of the airport runways and flight paths to potential neighborhoods. An overall circulation pattern will also be necessary before residential development occurs. Also, Harrison Street which constitutes the western boundary, should be developed in such a manner that strip development can be contained allowing the street to function as a major arterial without reproducing the same type of chaos as has occurred on the section further north.

# existing conditions



# airport

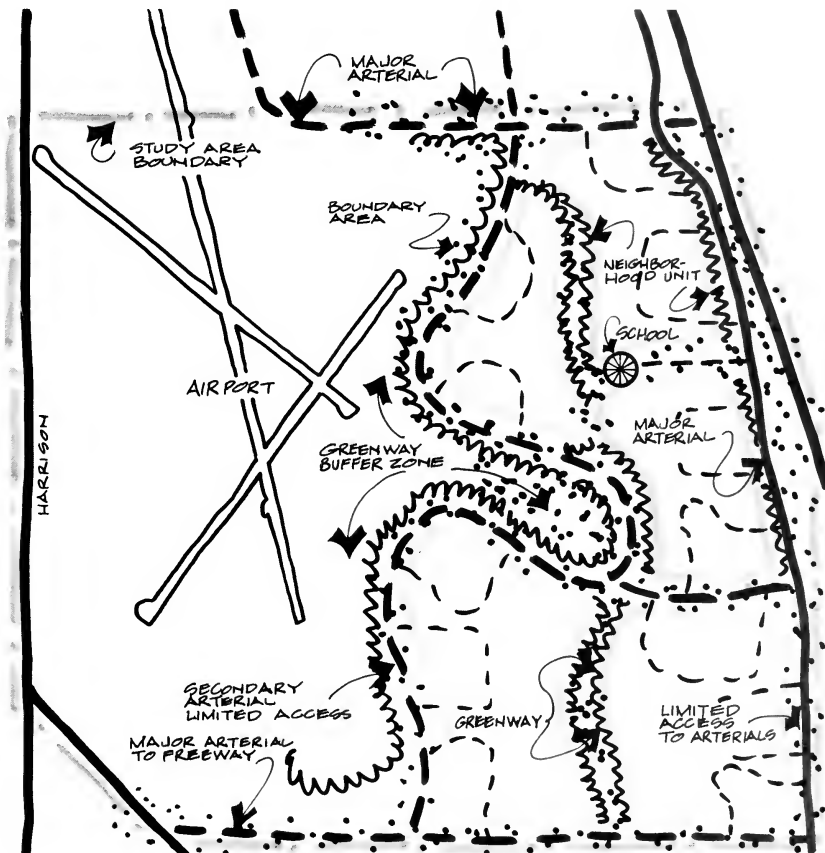
As with the Country Club Study Area, the continuation of a greenway along Blacktail Creek can be utilized as an organizational element for developing new neighborhood areas. Continental Drive should continue to be the major north-south arterial while two new east-west arterials would be developed between the freeway and Harrison Avenue. These new arterials would form the north and south boundaries of the study area and would eventually connect to the proposed truck route in the Timber Butte Study Area.

The utilization of these streets as major traffic arterials will allow individual neighborhoods to develop from a series of feeder streets. A pattern of looped streets is also suggested as a means of reducing cross neighborhood traffic.

The airport and the probable expansion of this facility will require extensive buffering along the western portion of the proposed residential area. Also, open space area should be retained at the end of each runway.

The boundary areas between the various proposed neighborhoods should be utilized for the placement of future school facilities, parks, and neighborhood commercial operations.

## sketch plan



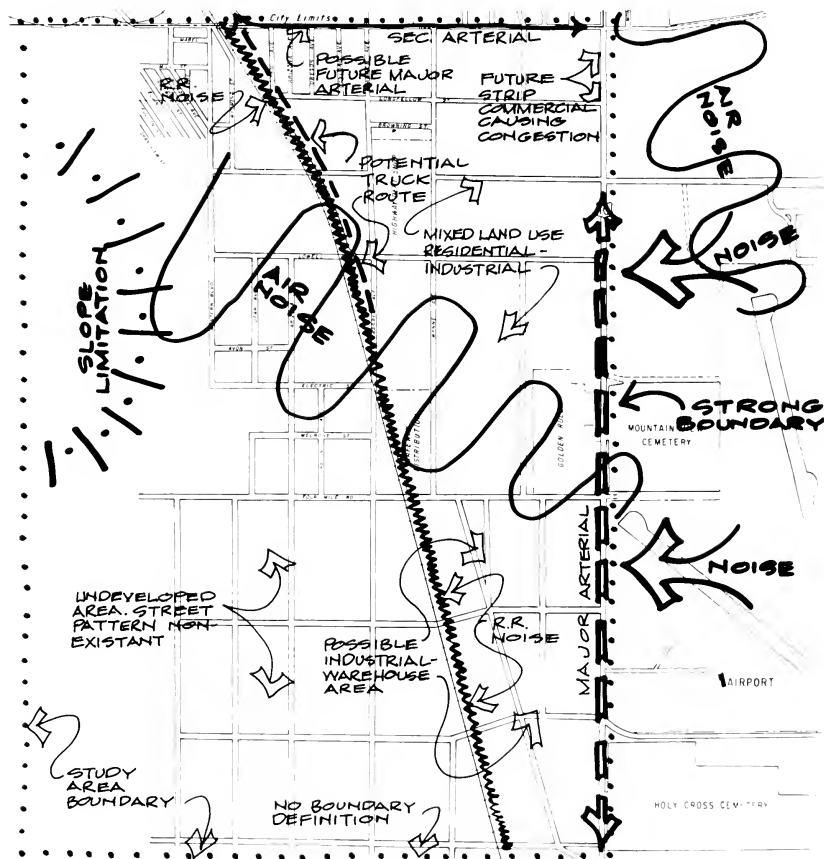
# timber butte

As a residential district, the Timber Butte Area is not well developed. There is a scattering of residential usage, but most of the area west of the railroad tracks is undeveloped. Most of the existing development is composed of industrial and commercial operations between the railroad and Harrison Avenue. Only in the northern section is there any semblance of a residential neighborhood.

The potential southerly expansion of the commercial strip along Harrison Avenue poses the most serious potential problem. At present, there is only a moderate amount of commercial use, and access points are limited. As a result, Harrison is not as congested here as it is further north. However, further encroachment of strip development will reduce the effectiveness of Harrison as a traffic arterial.

The railroad poses another problem. Besides splitting the study area into two sections, it also tends to make the land between it and Harrison Avenue attractive only for commercial and industrial uses. Residential development will only be desirable west of the railroad on the slopes of Timber Butte. It is possible that a small area of residential housing may be retained on the very northern portion of the study area along Holmes Street.

# existing conditions



# timber butte

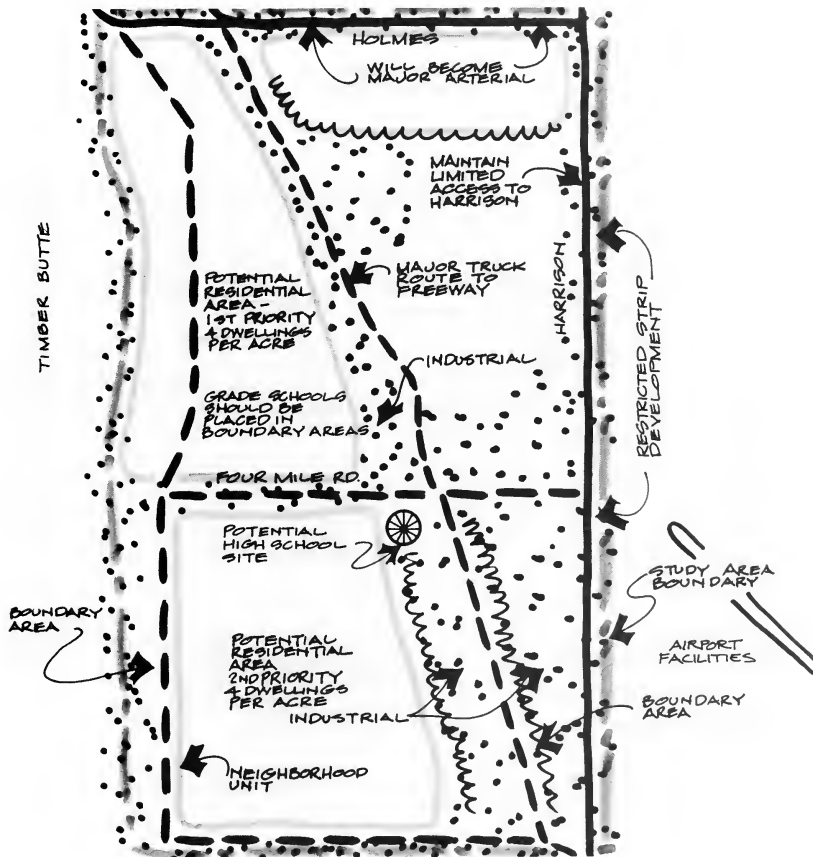
The proposal for the study area is to develop new residential areas west of the railroad in what is now vacant land. Again, because of the existence of vacant lands which already have public utilities and are in the urbanized area of Butte, it is not likely that this area would need to be developed for some time. When development does occur, it should begin in the northern portion moving south on an as-needed basis.

A new arterial is also proposed which would essentially follow the railroad. This would basically be a truck route connecting the Montana Street freeway interchange with the airport area eventually culminating at a new interchange south and west of the airport. The purpose of this arterial would be to relieve Harrison Avenue from excessive truck use. It would also provide an alternative route to the Uptown area from the south which would also relieve Harrison. This arterial along with the railroad should be buffered from the residential areas.

This new arterial could also provide access into the proposed neighborhood areas. These areas would be divided into several residential areas through a system of feeder streets which would provide necessary access but which would discourage through or cross traffic. In addition, the small amount of residential area between the railroad and Harrison Avenue should also be retained. The boundary areas forming the new neighborhoods are also potential sites for neighborhood commercial uses, schools, churches, etc.



# sketch plan



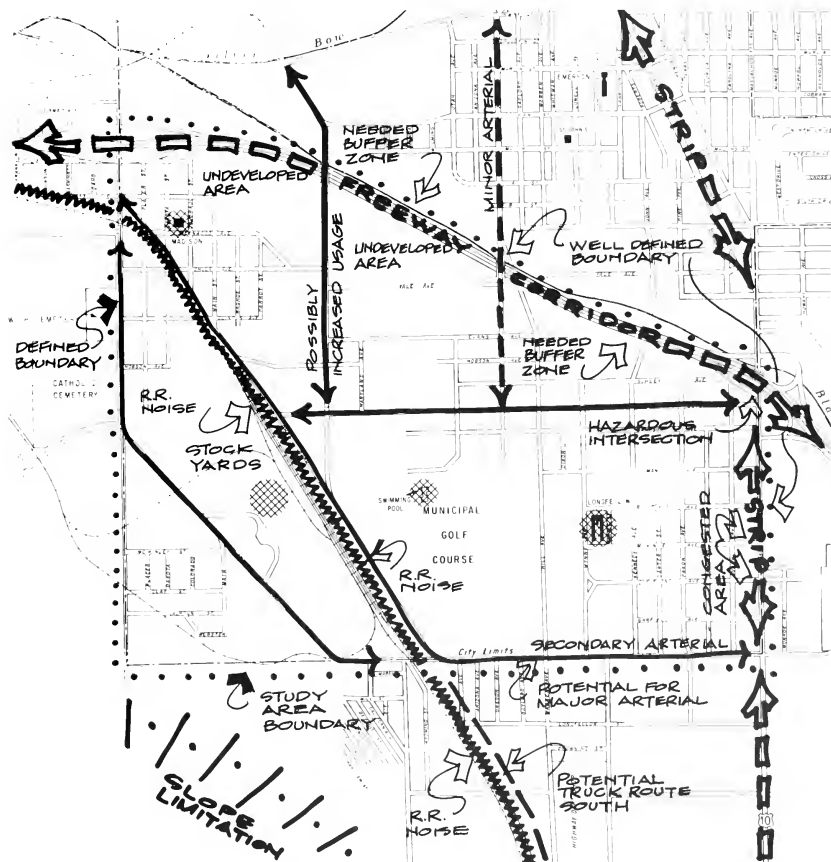
# stodden

The Stodden Study Area is characterized by a heterogeneous blend of elements. It contains new and old housing, areas of moderate-density development as well as large areas of vacant land, a municipal golf course and swimming pool, stockyards, and the railroad.

This study area should also have development potential for the future, since it contains adequate vacant area and has good location. The area has a direct link to the CBD area, the freeway, and to the shopping areas along Harrison Avenue.

Major problems in the area include the stockyards, the railroad, and cross traffic through the study area. Harrison Avenue is developing into a problem as strip development continues to creep south causing congestion. Also, the intersection of Harrison and Dewey should be eliminated as it creates an extremely dangerous situation. The area also has a major amenity in the existence of the golf course which provides a large amount of open space.

# existing conditions



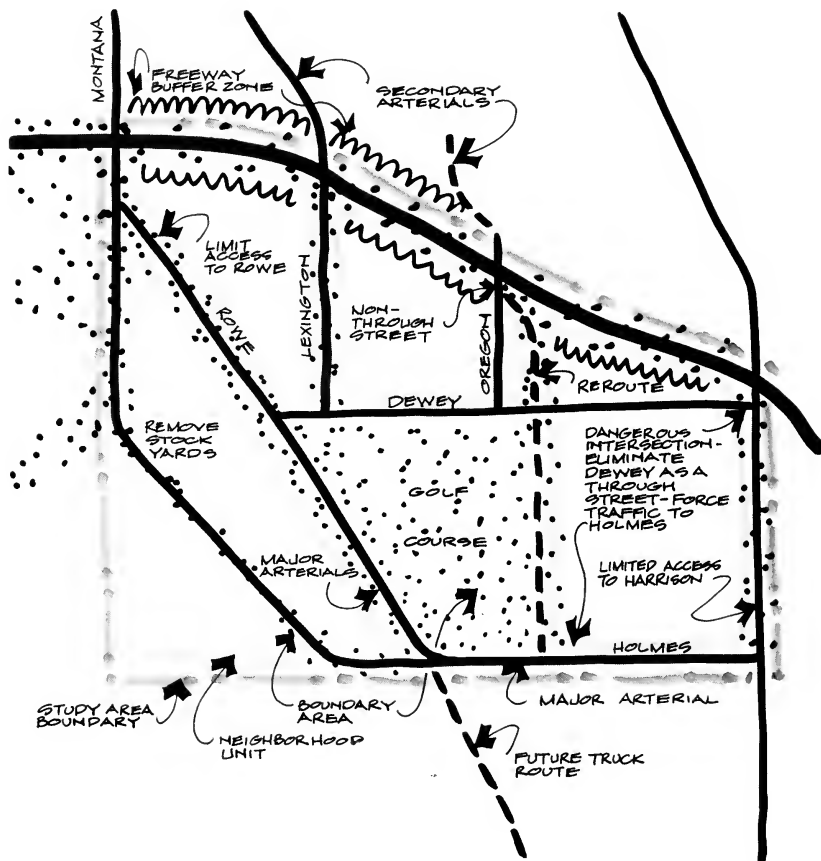
## stodden

The proposal for this study area is to delineate several neighborhood units by reorganizing traffic patterns. The first step would require developing Rowe Avenue and Holmes Street into a major arterial system connecting Montana and Harrison Avenues. Secondly, Dewey Street should be eliminated as a through street thereby forcing traffic to Holmes Street. This could be accomplished by closing Dewey Street at its intersection with Harrison Avenue, a very dangerous and congested intersection. The third suggestion is to reroute traffic from Oregon Avenue one block east allowing it to follow the golf course terminating at Holmes Street.

These minor adjustments in traffic patterns will in turn allow residential neighborhood to develop without creating excessive amounts of cross traffic. In addition, the stockyards west of the railroad should be removed to a location which will not interfere with residential activities.

This study area would also benefit from buffer zones along the railroad and freeway in order to help reduce the amount of noise coming from these areas. These buffer zones would also be utilized as locations for neighborhood mini-parks, bicycle trails, etc.

## sketch plan



## emerson

Of all the study areas, the Emerson Area is the most clearly defined. The area has the strongest boundary definition of any study area—the freeway to the south, Harrison Avenue to the east, the railroad yards to the north, and Montana Avenue to the west. It is also unique in that there is only one identifiable residential area and this occupies the eastern portion of the study area. The remaining area is undeveloped.

There are several major problems. First of all, Emerson shares the Harrison Avenue problem with the Flats Study Area. Again, the problem is one of conflicting use areas—linear commercial development along a major traffic arterial. The result is that this portion of Harrison Avenue is one of the most congested and potentially dangerous arterial sections in the entire Butte area.

The second problem area centers on the fragmentation of the existing residential area by several streets being used to carry cross traffic. These include Coban and Irwine as east-west feeder streets and Oregon Avenue which feeds into the center of the neighborhood from the south. It appears that these streets are carrying traffic going from one study area to another through the Emerson area rather than traffic generated from within the study area.

The other major problem concerns the undeveloped areas and the ability to allocate portions of the land for buffering from the freeway and the railroad.



## emerson

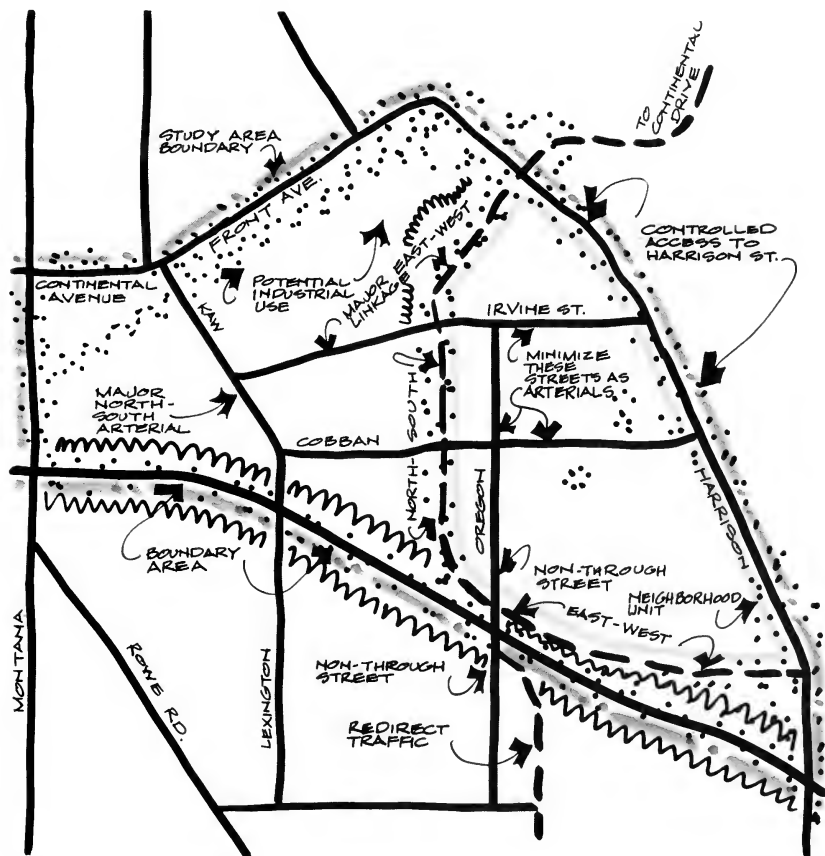
The land use plan for the Butte-Silver Bow Area proposes industrial and commercial development for the vacant lands in the Emerson Study Area. This would occur to the north and west of the existing residential area. Assuming an ultimate need for this amount of industrial and commercial area, the proposed neighborhood development is predicated on strengthening the existing residential area into a cohesive unit by eliminating the elements which are now fragmenting it.

Major consideration should be given to reorienting north-south traffic on Oregon Avenue to the western portion of the residential area so as not to fragment the residential area, and then tying it to an east-west arterial on the extreme north edge. This arterial could in turn link with the proposed connection between Harrison Avenue and Continental Drive. It is also possible this arterial could extend west tying into Montana Avenue. In addition, Coban and Irwine Streets should be de-emphasized as east-west arterials. This can be accomplished by eliminating them as through streets. The number of crossing points on Harrison Avenue should also be reduced to ease traffic movement and to increase safety.

The residential area could benefit from visual and acoustical buffering of the freeway. In conjunction with a buffer zone along the freeway corridor, it would be possible to integrate an east-west street connecting Harrison to Oregon Avenue, or perhaps even to Kaw Avenue. Also, along this corridor it would be possible to incorporate several neighborhood mini-parks and bicycle paths.



# sketch plan



## west side

The West Side Study Area is characterized by transitions from old to new residential areas. The older Centerville and Montana Avenue areas contain mostly older residential development dating back to Butte's earlier history, while the area south and east of the School of Mines shows the influence of more recent construction.

The area also contains a wide variety of boundary situations which lend diversity and identity to the area. To the west, the terrain of Big Butte presents a geographical boundary, while the college forms a landmark boundary. The eastern portion is bounded by Montana Avenue, a major north-south transportation arterial, and further to the north the older mining areas present a man-made geographic boundary.

The area in general is not plagued with major problems. The only areas which would cause concern are Excelsior Avenue, which by necessity carries a heavy traffic load, and Montana Avenue. Both streets because of business activities tend to be congested at times.



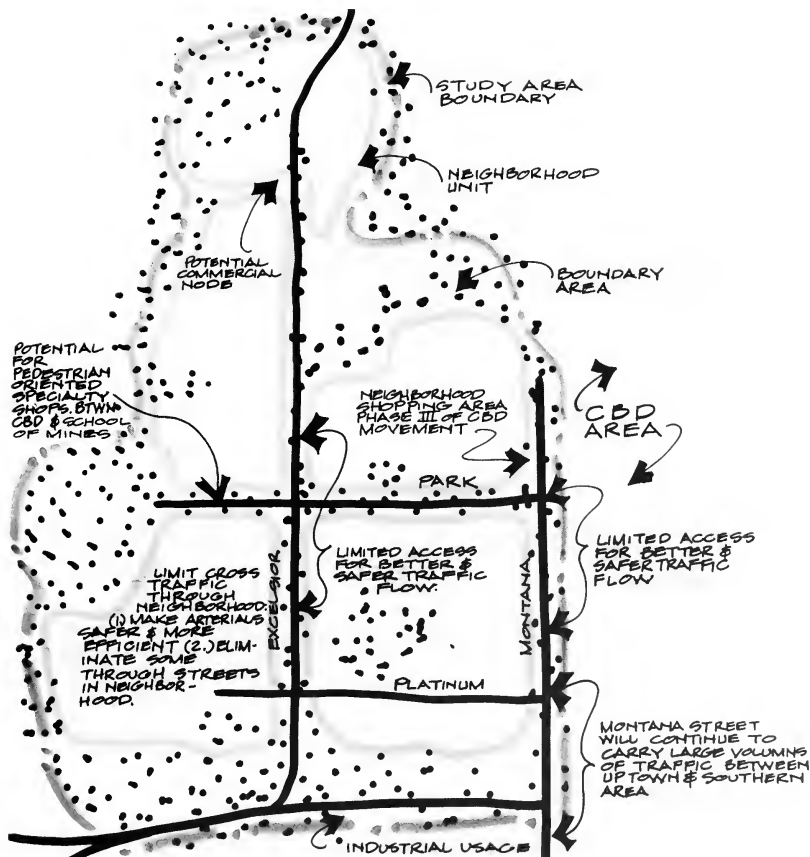
# west side

The study area has extremely good potential for neighborhood development. The physical elements of the environment fall into very clear-cut boundary areas. The proposal shows five distinct neighborhoods which can be developed into individual entities through very subtle changes. With the exception of the Anaconda housing neighborhood, each area is already well defined by major arterials and other geographic boundaries. The Anaconda housing area is also discernible from the other areas because of the homogeneous nature of the housing.

Excelsior Avenue will continue to be a problem, since it does tend to split the study area in half. However, some of the traffic problems associated with it could be relieved by reducing the number of access points, especially in the area of Park Street. A similar situation also holds true for Montana Avenue.

Park Street presents the most interesting possibility for boundary development. Being the major linkage between the college and the CBD, Park Street carries a great deal of pedestrian as well as vehicular travel. Because Park Street is fairly generous in width, it would be possible to encourage pedestrian-oriented activities which could attract the college population as well as uptown users. These commercial activities would include restaurants, specialty shops such as boutiques, arts and crafts, etc. These are the types of activities which usually grow up around college campuses and give a special character to the area. Again, these would be pedestrian-oriented, unlike the larger commercial strip operations seen along Harrison Avenue.

# sketch plan

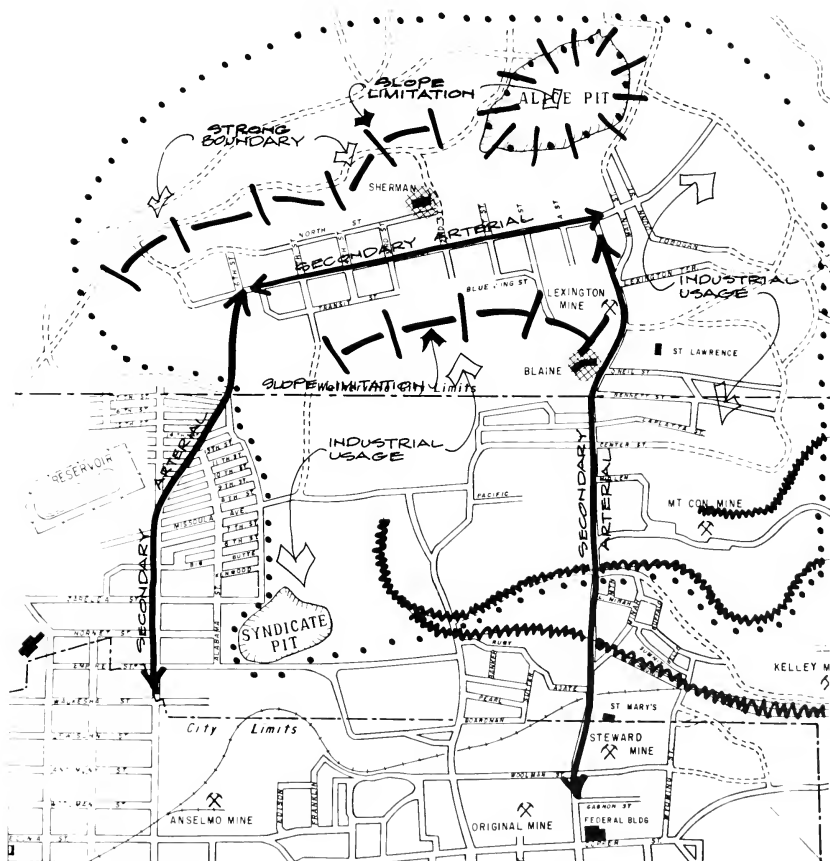


# walkerville

Walkerville is the only remaining original settlement which is still identifiable as a separate area. It is visually and to some degree topographically isolated from the Butte urbanizing area. Development in the Walkerville area is linear in nature following along a few existing streets. The study area is defined more by geographic elements, some of which are the man-made results of mining operations.

Although Walkerville has had a long and colorful history, it is a relatively depressed area today. The housing is old and in a general state of deterioration. With the exception of parks and schools, few public or commercial facilities exist. On top of this, the physical landscape appears immensely scarred as a result of mining operations.

## existing conditions



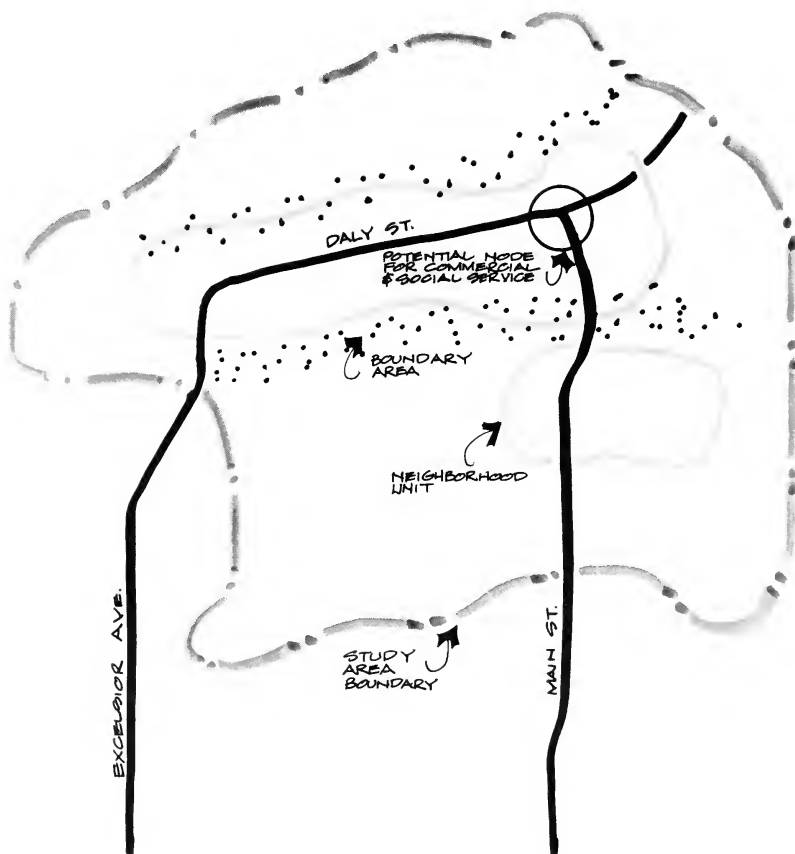
# walkerville

From a physical standpoint, there is obviously a need for rehabilitating and upgrading the housing in the Walkerville area. Economically, there is a question as to whether the housing is so deteriorated that costs would make it infeasible to do so. Also, encroaching mining operations would indicate that it might be unwise for the Butte community to invest large sums of money in this neighborhood. In addition, considering the vast amount of substandard housing in the Butte area, it is also questionable as to whether Walkerville is an appropriate area to encourage growth. In fact, the area has shown continuous population decline in the past 20 years—an 11% decline between 1950 and 1960 and a 25% decline between 1960 and 1970.

The area is also certainly in need of neighborhood commercial services. However, considering the small market area, the declining population may not be large enough to support these activities. Considering these rather bleak outlooks, it is suggested that, short of trying to provide some basic short-term neighborhood services, whether social or commercial, perhaps the best plan is to essentially leave Walkerville alone.



## sketch plan



# uptown

Of all the study areas, this area presents the most difficult and in some instances almost overwhelming problems. This is one of the older sections of Butte and it is characterized by relatively high-density housing, much of which is substandard as a result of its age. It is also an area which is feeling pressure from the expansion of the Berkeley Pit. In time it is probable that the eastern portion of this study area will no longer exist.

This area has also felt pressure from other forces as well. In the past it has felt the encroachment from the CBD area, and it is now feeling the pressure of the traffic generated by the CBD. Also, strip development is occurring along several of these routes. The fact that the area is so fragmented by major transportation routes, both car and rail, makes it almost impossible to construct cohesive neighborhood units, and as the CBD is forced further west by the pit expansion, the problem may be further compounded by the fact that new routes will be utilized and others abandoned.

In any case, the implementation of any type of neighborhood rehabilitation program which can achieve some degree of success in restructuring the physical environment will be very difficult and extremely expensive. In fact, the community lost a chance to rehabilitate this area when the Urban Renewal Project was abandoned.

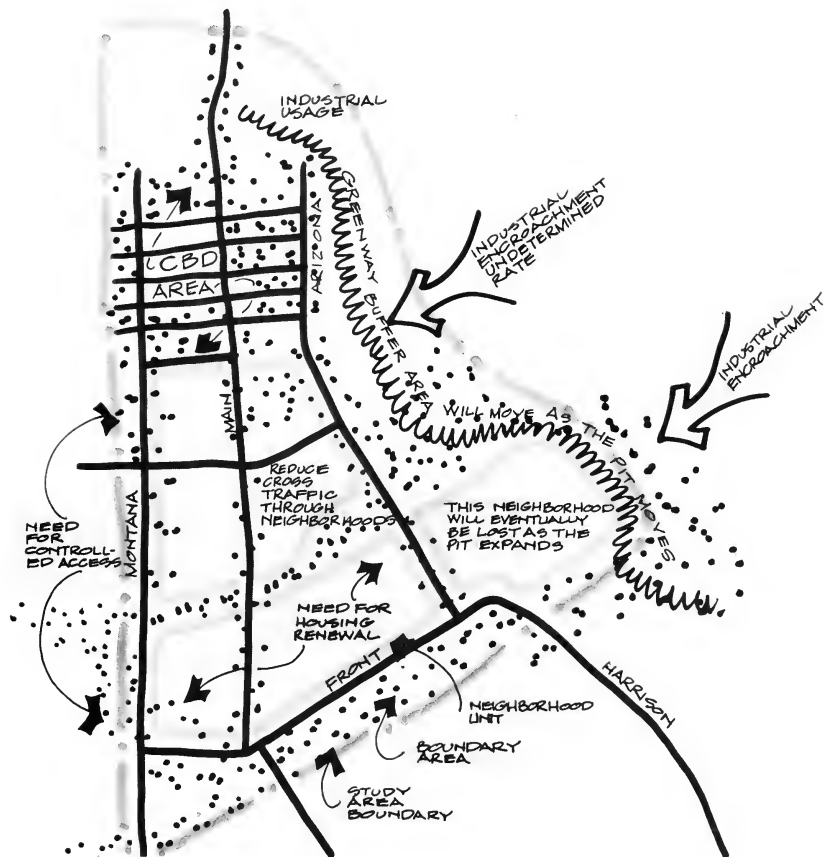


# uptown

Of the two major problems facing this area, deteriorating housing and cross neighborhood traffic patterns, the latter is far easier to attack. The easiest way to develop some form of neighborhood unit is to reduce the amount of cross traffic which is currently fragmenting the area. This will require higher usage of peripheral arterials such as Montana Avenue. As traffic patterns are improved throughout the Butte area, especially in the Stodden and Timber Butte areas, Montana Avenue along with several other streets will begin to acquire a more definite role, and it should be easier to begin to redirect traffic to the peripheral or boundary areas. This may also require the elimination of certain neighborhood streets as through streets and will certainly require safer and more efficient development of arterials. If these suggestions prove infeasible, it may be necessary to form subneighborhood units as a means of attacking the problem.

The problem of deteriorating housing in this area will require a major rehabilitation effort to improve the quality. This will entail a lengthy and costly program, however, if this area is to continue to function as a viable residential area, some form of redevelopment and/or rehabilitation program will be necessary.

# sketch plan



# recommendations

During the cursory overview of the various study areas as previously presented, it became evident that the following recommendations should be enacted in order that a viable neighborhood planning program can be initiated on a local level and its results implemented.

- Using the preliminary analyses contained in this report as an overall guide and stimulus, the Butte-Silver Bow Planning Board should undertake detailed neighborhood studies. These studies should be based on the study area boundaries as proposed and should heavily involve the citizens of the various neighborhoods as well as the local planning staff which can provide guidance and technical assistance on a day-to-day basis.
- A priority listing should be established for these detailed neighborhood studies. Listed below are two separate tables illustrating priorities based on different criteria. The first is based purely on need—that is, which study areas have the most critical need for neighborhood development and identification. The second list illustrates priorities on the basis of which study areas could achieve the most success in developing neighborhoods with the least amount of time and financial consumption. It should be noted that the selection and development of a new CBD area could affect these listings. In any case, these are presented to at least generate some thinking on the issue.

## NEED

## First Priority

Uptown  
Stodden  
Flats  
Emerson  
Walkerville

## Second Priority

West Side  
Country Club  
Timber Butte  
Airport

## SUCCESS—LEAST EFFORT

## First Priority

Westside  
Flats  
Stodden  
Country Club

Undeveloped Areas  
Timber Butte  
Airport

## Second Priority

Emerson  
Uptown  
Walkerville

- During the course of the detailed neighborhood studies, the planning staff should seek to interrelate the neighborhood plans with the recommendations and proposals outlined in both the Community Facilities Plan and the recently completed Transportation Study. In this manner, potential conflicts can be resolved and various ideas can be integrated into the overall planning program.

# DEVELOPMENT CONTROL MEASURES



# zoning ordinance review

The zoning ordinance for the City of Butte is contained in Title XII of the City's code. A zoning resolution has been prepared for Silver Bow County by the City-County Planning Board and is now going through the adoption process. These regulations have been reviewed, and the following are recommendations for changes or modifications which will help to make these regulations more effective in directing and controlling future growth.

The recommendations which follow are not in the form of detailed drafts or specific language for changes; but rather, they are suggestions for the kinds of improvements which should be considered. In some cases, excerpts from an ordinance recently written for the City of Seaside, Oregon, have been used to illustrate particular suggestions.

One of the first observations is not a criticism but a note of the fact that both the City and County regulations are virtually the same. This will make administration much easier, especially since the City-County Planning Director is the administering officer for both regulations.

The zoning regulations, as far as the district regulations are concerned, are of the cumulative type. In other words, each district or "zone" allows the uses allowed in the preceding zone. This assumes a hierarchy of use in which the residential uses are considered to be of the lowest level or intensity of use and industrial uses at the highest or most intense level of use. This results in zones such as the M-1 and M-2 being the catch-all or "anything goes" areas. If we can accept the idea that it is just as desirable to protect commercial or industrial areas from encroachment by incompatible uses as it is to provide the same kind of protection for residential areas, then some changes to the way in which the regulations are written are in order. Each district or zone should describe the kinds of uses which are allowed without referring to previous zones. A section should also be provided which covers prohibited uses in each zone.

Each of the use districts should contain a section at the beginning which describes the purpose of that particular zone. This section should contain the intent and policy which the City or County wishes the zone to accomplish. It should be based on the Comprehensive Plan which the zoning regulations are supposed to be implementing. Some examples of a "purpose" section are as follows:

**3020 R-1 RESIDENTIAL LOW DENSITY**

**3.021 Purpose:** To provide for low-density single-family development with a maximum density of five dwelling units per net acre. These areas are characterized by suburban residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools, community uses, etc. No commercial or residential uses operated for commercial purposes should be in this zone.

**3.060 C-1 COMMERCIAL, NEIGHBORHOOD**

**3.061 Purpose:** To provide for the location of small businesses and services in residential areas of the city primarily for the convenience of nearby residents. Businesses are intended to fit into the residential character of the neighborhood and not create either architectural or traffic conflicts.

**3.090 C-4 COMMERCIAL, CENTRAL**

**3.091 Purpose:** To provide for a broad range of commercial and business activities that meet the day-to-day needs of the community's permanent residents. This is the central business district where the stores, shops, offices and government locate. Some existing residential uses remain, but no new ones will be allowed.

It should be noted that in the residential section the maximum density is stated in terms of the number of dwelling units allowed per net acre. The densities should be based on the Comprehensive Plan.

Densities in the R-Rural zones are too high. For example, the City Ordinance sets a minimum lot size of one acre and the County's minimum is two acres. If the intent of the rural zones is to preserve agricultural land, then the minimum should be approximately 40 to 50 acres. If a rural residential character is what is wanted, then the minimum should be 5 to 10 acres. What happens when lot sizes are one or two acres in size is that the owners soon find that their lot is too small to run a horse or to farm, and too large to maintain, so they sell off a portion which results in a very poor resubdivision and many associated problems. If the minimum lot is 5 or 10 acres, they can be resubdivided at a later date without too much trouble. A one- or two-acre piece is very difficult to be subdivided, but something can be done with a 10-acre parcel.

There is no guide in the City Ordinance as to the number of dwelling units per parcel in the R-2 Multiple-Family zone. A density provision, such as a maximum of, say, 20 units per acre, would provide a guide. For example, a one-half acre lot in an R-2 zone could contain up to ten dwelling units provided all other requirements such as setback and parking are met.

The commercial and industrial zones contain what might be called a "shopping list" of uses which may be allowed. This sometimes causes problems in administration of the regulation since it is almost impossible to list all of the uses which we find in cities today or new uses which somebody may come up with in the future. A better way is to describe the general types or kinds of uses which are appropriate for a

particular zone. This provides much more flexibility in the regulations but also puts more responsibility on the enforcement officer to use his judgment as to whether or not to approve a certain use. Remember, if the enforcement officer turns down a use, the applicant has the right of appeal to the governing body. The governing body's decision is then a policy guiding future decisions by the enforcement officer.

Chapter 19 of the City Ordinance and Section 25 of the County Resolution provide for Community Development Projects, which could be what has been called a "Planned Unit Development" or PUD. While this section is basically good, it could be strengthened and improved by incorporation of some of the provisions of the following sections from the Seaside, Oregon, ordinance.

### 3.110 PLANNED DEVELOPMENT

3.111 Purpose: It is the intent of the Planned Development Section of this Ordinance to encourage appropriate and orderly development of tracts of land sufficiently large to allow comprehensive planning and to provide a degree of flexibility in the application of certain regulations which cannot be obtained through traditional lot by lot subdivision. In this manner, environmental amenities may be enhanced by promoting a harmonious variety of uses; the economy of shared service and facilities; compatibility of surrounding areas; and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

Specifically, it is the purpose of this section to promote and encourage:

1. Comprehensive development equal to or better than that resulting from traditional lot by lot land use development.
2. Appropriate mixtures of housing types and designs.
3. Appropriate mixture of uses.
4. More attractive and usable open space.
5. Advances in technology, architectural design, functional land use design.

6. Recognition of the problems of population density, distribution, and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives.
7. Flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potential of sites characterized by special features of geography, topography size or shape.

It is also not the intention of this section to be a bypass of regular zoning provisions solely to allow increased densities nor is it a means of maximizing densities on parcels of land which have unbuildable or unusable areas.

### 3.112

#### General Standards and Requirements:

1. Size.
  - a. Planned residential development may be established in residential districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of Sections 3.110 through 3.113. For those planned unit developments which are located in the RA, R-1, R-2, R-3, or R-M zone, the site shall include not less than four acres of contiguous land, unless the Planning Commission or Council, upon appeal, find that property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of its qualification as an isolated, problem area.
  - b. Combination residential-commercial developments may be established in residential and commercial zones on parcels of land which are suitable for and of a sufficient size to be planned and developed in a manner consistent with the purpose and objectives of Sections 3.110 through 3.113.

2. Ownership.
  - a. The tract or tracts of land included in a proposed planned development must be in one ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase or any governmental agency or a redeveloper under contract with a governmental agency, shall be deemed the owner of such land for the purposes of this section.
  - b. Unless otherwise provided as a condition for approval of a Planned Development Permit, the permittee may divide and transfer units of any development. The transferee shall use and maintain each such unit in strict conformance with the approved permit and development plan.
3. Professional Design.
  - a. The applicant for all proposed planned developments shall certify that the talents of the following professionals will be utilized in the planning process for development: (1) an architect licensed by the state, (2) a landscape architect licensed by the state, and (3) a registered engineer or a land surveyor licensed by the state. The Planning Commission may waive this requirement provided the applicant can show that equivalent and acceptable design talents have been utilized in the planning process.
  - b. One of the professional consultants chosen by the applicant from the above group shall be designated to be responsible for conferring with the city staff with respect to the concept and details of the plan.
  - c. The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the city staff or the commission.

4. General Information: The planning process for development shall include:
  - a. Plot plan of land in area to be developed indicating location of adjacent streets and all private right-of-way existing and proposed.
  - b. A legal boundary survey.
  - c. Existing and proposed finish grades of the property with all drainage features.
  - d. Location of all proposed structures, together with the usage to be contained therein and approximate location of all entrances thereto and height and gross floor area thereof.
  - e. Vehicular and pedestrian circulation features within the site and on adjacent streets and alleys.
  - f. The extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
  - g. The extent, location, arrangement, and proposed improvements of all open space, landscaping, fences and walls.
  - h. Architectural drawings and sketches demonstrating the planning and character of the proposed development.
  - i. Number of units proposed.
  - j. Contour lines at 2-foot intervals.
5. Permitted Buildings and Uses: The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the Planned Development does not exceed the density of the parent zone as provided by Section 3.113(4).
  - a. Single-family dwellings including detached, attached, or semi-attached units, row houses, atrium or patio houses, provided each has its own separate plot.
  - b. Duplexes.
  - c. Multiple-family dwellings.
  - d. Accessory buildings and uses.
  - e. Commercial uses supported mainly by the planned development and only when economic feasibility can be shown.

- f. Condominiums.
- g. Buildings or uses listed as permitted outright or conditionally in the parent zone on which the planned development is located.

3.113 Development Standards: In addition to, or as a greater requirement to the regulations normally found in the district, the following guidelines and requirements shall apply to all developments for which a Planned Development Permit is required.

1. Outdoor Living Area Guidelines: In all residential developments, or in combination residential-commercial developments, 40 percent of the total area should be devoted to outdoor living area. Of this area, 25 percent of said outdoor living area may be utilized privately by individual owners or users of the planned development; however, 75 percent of this area should be common or shared outdoor living area.
2. Height Guidelines: The same restrictions shall prevail as permitted outright in the district in which such development occurs, except that the commission may further limit heights:
  - a. Around the site boundaries, and/or
  - b. To protect scenic vistas from encroachments.
3. Underground Utilities: In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm, conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer, unless waived by the commission.
4. Density Guidelines.
  - a. The density of a planned development shall not exceed the density of the parent zone, except as more restrictive regulations may be prescribed as a condition of a Planned Development Permit. When calculating density, the gross area is used—the total area including street dedications.
  - b. Areas of public or semi-public uses may be included in calculating allowable density.



5. **Distribution of Facilities without Reference to Lot Lines:** Individual buildings, accessory buildings, off-street parking, and loading facilities, open space, and landscaping and screening may be located without reference to lot lines, save the boundary lines of the development, except required parking spaces serving residential uses shall be located within 200 feet of the building containing the living units served.
6. **Waiver or Reduction of Yard and Other Dimensional Requirements:** Except as otherwise provided in Section 3.113, the minimum lot area, width and frontage, height and yard requirements otherwise applying in the district shall not dictate the strict guidelines for development of the planned unit development but shall serve to inform the designers of the importance of developing a project that will be in harmony with the character of the surrounding neighborhood.
7. **Dedication and Maintenance of Facilities:** The commission, or on appeal, the council, may, as a condition of approval for any development for which a Planned Development Permit is required, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:
  - a. **Recreation Facilities:** The commission or council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved, or permanently reserved for the owners, residents, employees or patrons of the development.
  - b. **Outdoor Living Area:** Whenever private outdoor living area is provided, the commission or council shall require that an association of owners or tenants be created into a nonprofit corporation under the laws of the State of Oregon, which shall adopt such Articles of Incorporation and By-Laws and adopt and impose such Declaration of Covenants and Restrictions on such outdoor living areas and/or common areas that are acceptable to the commission. Said association shall be formed and continued for the purpose of maintaining

such outdoor living area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said outdoor living area for the purposes intended. The period of existence of such association shall be not less than 20 years, and it shall continue thereafter and until a majority vote of the members shall terminate it.

- c. **Streets:** The commission or council may require that the right-of-way width of such other streets necessary to the proper development of adjacent properties be dedicated to the City.
- d. **Easements:** Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

3.114 **Planned Development Procedures:** There shall be a three-stage review process for planned developments consisting of Preapplication (Stage One), Preliminary Approval (Stage Two), and Final Approval (Stage Three).

- 1. **Preapplication (Stage One):** The owner, or his authorized agent, shall submit to the Building Department the following information:
    - a. A schematic drawing, drawn to a minimum scale of one inch equals 200 feet (1" = 200'), showing the general relationship contemplated among all public and private uses and existing physical features.
    - b. A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, nonresidential uses, lot layout, public and private access, height of structures, lighting, landscaped areas and provisions for maintenance of landscaped areas, areas to be devoted to various uses, and population densities per net acre and per gross acre contemplated by the applicant.
- The developer and the city staff shall meet together and determine whether the requirements of Section

3.112 of this Ordinance have been complied with. If there is disagreement on this issue, the applicant, by request, or the staff, may take this preapplication information to the commission for their determination of whether this site qualifies for the contemplated planned unit development.

The applicant must indicate to the staff or commission his professional design team, as outlined in Section 3.112(3) during Stage One, and should also designate who is to be his professional coordinator.

The professional coordinator shall be responsible for presenting the developer's plan in all of the broad professional aspects to the planning department. If the staff and applicant reach a satisfactory agreement, the applicant may proceed to prepare data for Stage Two-Preliminary Approval.

2. Preliminary Approval (Stage Two).
  - a. Applications for planned developments, preliminary approval, shall be made by the owner of all affected property or his authorized agent, and shall be filed on a form prescribed by the Building Department and filed with said department. Applications shall be accompanied by a fee prescribed in Section 11.050 and accompanied by the following information:
    - (1) Four copies of a preliminary development plan of the entire development, showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures, including activities and the number of living units; major landscaping features; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space. Such development plan shall include maps and information on the surrounding area within 400 feet of the development. A boundary survey or a certified boundary

description by a registered engineer or licensed surveyor, plus contour information, shall also be submitted.

The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the city engineer. The base data used shall be clearly indicated and shall be compatible to city datum, if benchmarks are not adjacent. Two-foot contour intervals are required.

All elements listed in this subsection shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.

- (2) A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
  - (3) A stage development schedule demonstrating that the developer intends to commence construction within one year after the approval of the final development plan and will proceed diligently to completion.
  - (4) If it is proposed that the final development plan will be executed in stages, a schedule thereof will be required.
- b. An application for a Planned Development Permit shall be considered by the planning commission. A public hearing as specified in Section 11.060 shall be held on each such application. After such hearing, the commission shall determine whether the proposal conforms to the permit criteria set forth in Section 3.115 and to the Planned Development Regulations in Sections 3.110 through 3.113, and may approve or disapprove in concept the application and the accompanying preliminary development plan or require changes or impose conditions of approval as are in its judgment

necessary to ensure conformity to said criteria and regulations. In so doing, the commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. Should a decision not be rendered within 60 days after filing, the application and preliminary development plan shall be deemed approved in concept unless said time has been extended by the commission.

3. Final Approval (Stage Three).

- a. Within one year after concept approval or modified approval of a preliminary development plan, the applicant shall file with the planning department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 3.114(2) for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary plan plus the following: the location of water, sewerage and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements and grading or earth moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the commission for dedication or reservation of public facilities, or for the creation of a nonprofit homes association, shall also be submitted.
- b. Within 30 days after the filing of the final development plan, the commission shall forward such development plan and the original application to the Public Works Department for review of public improvements, including

streets, sewers and drainage. The commission shall not act on a development plan until it has first received a report from the public works department or until more than 30 days have elapsed since the plan and application were sent to the public works department, whichever is the shorter period.

- c. Upon receipt of the final development plan, the planning commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved Planned Development Permit, or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the commission may permit the applicant to revise the plan and resubmit it as a final development plan within 30 days.
- d. After final concept approval by the planning commission, the Planned Development Application will be sent to the City Council for consideration for final approval. A public hearing as specified in Section 11.060 shall be held on each such application. After such hearing, the City Council shall determine whether the proposal conforms to the permit criteria set forth in Section 3.115, and to the Planned Development Regulations in Sections 3.110 through 3.114, and may approve or disapprove the application and the accompanying development plan or require changes or impose conditions of approval as are in its judgment necessary to insure conformity to said criteria and regulations. The decision of the City Council shall be final.

3.115 Permit Criteria: A Planned Development Permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Unit Development Regulations in Sections 3.110 through 3.114.

1. The location, design, size and uses are consistent with the Comprehensive Plan, and with any other applicable plan, development map, or ordinance adopted by the council.
2. That the location, design, and size are such that the development can be well integrated with its surroundings, and in the case of a departure in character from surrounding uses that the location and design will adequately reduce the impact of the development.
3. That the location, design, size and uses are such that traffic generated by the development, except in single-family density, can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial developments, avoid traversing local streets.
4. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services.
5. That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.

3.116 Mapping: Whenever a Planned Development Permit has been granted, and so long as the permit is in effect, the boundary of the planned unit development shall be indicated on the zoning map of the city as subdistrict "PD" in accordance with Section 2.020.

3.117 Limitation on Resubmission: Whenever an application for a Planned Development Permit has been denied, no application for the same plan or any portion thereof shall

be filed by the same applicant within six months after the date of denial.

**3.118 Adherence to Approved Plan and Modification Thereof:**

1. The applicant shall agree in writing to be bound, for himself and his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Code Enforcement Officer if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
2. A performance bond shall be required, in an amount to be determined by the Planning Commission, to insure that a development proposal is completed as approved and within the time limits agreed to.

**3.119 Violation of Conditions:** Failure to comply with the final development plan, any condition of approval prescribed under Section 3.114(3), or to comply with the stage development schedule, shall constitute a violation of this ordinance. In this event, the City Council may, after notice and hearing, revoke a Planned Development Permit.

Both city and County regulations provide for the granting of variances in cases of hardship by the Board of Adjustment, but the guidelines and criteria for granting such variances are weak and vague. An improvement would be those such as found in Article 7 of the Seaside Ordinance.



## VARIANCES

### 7.010 PURPOSE

In certain instances, the ordinary application of the Ordinance will produce hardship cases. Typical examples are where topography or lot shape make it impossible to comply with normal front, side, or backyard setback requirements. In such cases, where the property owner can demonstrate his situation to be unique and that by complying with the Ordinance he cannot make any reasonable use of his property, a variance can be granted to help alleviate the hardship. The granting of a variance, however, cannot alter the use of the property as specified in the Ordinance nor can the property owner be granted any special privileges which give him added advantage over his neighbors.

### 7.020 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions and safeguards which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this Ordinance and the Comprehensive Plan.

### 7.030 CIRCUMSTANCES FOR GRANTING VARIANCE

A variance from the terms of this Ordinance shall not be granted by the Planning Commission unless and until all of the conditions in Section 7.031 and Section 7.032 are met.

### 7.031 The property owner must demonstrate by written application that all of the following circumstances exist:

1. That exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

#### 7.032

The Planning Commission, in a public hearing, shall make all the following findings:

1. That the requirements of Section 7.031 have been met by the applicant for a variance;
2. That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance which will make possible the reasonable use of the land, building or structure; and
3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

#### 7.040 VARIANCE PROCEDURE

The following procedures shall be followed in applying for and acting on a variance:

- 7.041 A property owner may initiate a request for a variance by filing an application with the City Manager, using forms prescribed pursuant to Section 11.040. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the variance request.
- 7.042 Before the Planning Commission may act on a request for a variance, it shall hold a public hearing.
- 7.043 Within five days after a decision has been rendered with reference to a request for a variance, the City Manager shall provide the applicant with notice of the decision of the Planning Commission.

#### 7.050 TIME LIMIT ON A PERMIT FOR A VARIANCE

Authorization of a variance shall be void after one year, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may in its discretion extend authorization for an additional six months upon request.

The County regulations contain a section on Performance Standards, Section 17, which are very weak, and in fact, it is questionable if they could be enforced. Performance standards are at best difficult to administer and enforce. If performance standards are desirable, the following section provides a good example. This method basically puts the burden of proof of violation on the governing body, but only if a decision of the enforcement officer is being challenged. It is then a situation in which, if there is disagreement over an alleged violation, the loser pays the cost of determining if standards are being met.

**PERFORMANCE STANDARDS****.010 DESCRIPTION AND PURPOSE**

The provisions of Sections .010 to .049 inclusive, shall be known as the Performance Standards. The purpose of these standards is to control dangerous or objectionable environmental effects of commercial and manufacturing activities in the zones and situations specified hereinafter.

**.020 APPLICATION OF PERFORMANCE STANDARDS**

After the effective date of this ordinance.

**.021** Any use established or changed to, and any building, structure, or land developed, constructed or used for, any permitted principal use, or any use permissible as a special exception, or any accessory use, shall comply with all of the performance standards herein set forth for the district involved.

**.022** If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use, building, or other structure.

**.023** Within periods as listed below, all presently existing uses of lands, buildings, or other structures shall comply with the performance standards herein set forth for the districts involved.

		All "R" Zones				
		C-1	C-2	C-3	C-4	M-1
1.	Noise					
2.	Vibration					
3.	Electromagnetic Radiation					
4.	Air Quality Standards					
5.	Odors					
6.	Nonradioactive Liquid or Solid Wastes					
7.	Glare and Heat					
8.	Radioactive Materials					

**.030 ADMINISTRATION AND ENFORCEMENT OF  
PERFORMANCE STANDARDS**

**.031 Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards:**  
Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:

- (A) Where determinations can be made by the administrative official or other city employees, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
- (B) Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the

personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

- .032 Performance Standards Relating to Emission of Smoke, Fire, and Explosive Hazards Where Flash Point of Flammable Materials is Known, Humidity, Heat, Glare and Electromagnetic Interference: If the administrative official finds, after making determinations in the manner set forth in Section .040, that there is violation of performance standards relating to emission of smoke, fire and explosive hazards where flash point of flammable materials is known, humidity, heat, glare or electromagnetic influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Article 12.
- .033 Performance Standards Relating to Measurement of Particulate Matter, Vibration, Noise, Fire and Explosive Hazards Where Flash Point of Flammable Materials is Not Known, Toxic or Noxious Matter, Odorous Matter, and Radiation Hazards: If, in the considered judgment of the administrative official, there is probable violation of the performance standards as set forth in Section .040 concerning emission of particulate matter, vibration, noise, fire and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter or radiation hazards the following procedures shall be followed.
- .034 The administrative official shall be given written notice, by registered mail or other means insuring a signed receipt of such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the administrative official believes there is a violation in fact, and shall require

an answer or correction of the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this ordinance.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the city.

- .035 If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the administrative official, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- .036 If there is no reply within the time limit set (thus establishing admission of violation as provided in Section .034) and the alleged violation is not corrected to the satisfaction of the administrative official within the time limit set, he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- .037 If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the administrative official, but requesting additional time, the administrative official may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
- .038 If reply is received within the time limit set requesting technical determination as provided in this ordinance, and if the alleged violations continue, the administrative official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article 12.

If no violation is found, the costs of the determinations shall be paid by the city without assessment against the properties or persons involved.

**.040 STANDARDS, METHODS AND DEVICES FOR MEASURING**

**.041 Measurements:** When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practice.

**.042 Noise:** When located in the districts specified below, all manufacturing activities and animal clinics and hospitals; automobile, truck machinery or equipment sales, services, rental or dismantling; mechanical car washes; kennels; mineral resource extraction or processing; sheet metal or welding shops; tire repair or vulcanizing; and truck terminals shall be so operated that the sound pressure level inherently and regularly generated by these activities shall not exceed the applicable values indicated in Subsection (A), after modification where applicable by the correction factors indicated in Subsection (B). Intermittent, temporary or irregular sound from motor vehicles, trains, aircraft, temporary construction or demolition work, and warning devices is exempted from these standards.

(A) When the above activities or uses are located in a residential district or the M-1 district:

Sound Frequency Band In Cycles per Second	Maximum Sound Pressure Level in Decibels at Any Lot Line of the Lot Containing the Activities or Use
0-75	67
75-150	62
150-300	54
300-600	47
600-1,200	41
1,200-2,400	35
2,400-4,800	29
4,800-and above	27



- (B) The following correction factors, when applicable, shall be applied to the maximum sound pressure levels indicated in the foregoing subsections:

Time or Type of Noise	Correction in Maximum Permitted Decibels
Emission only between 7 AM and 10 PM next ensuing	Plus 5
Emission less than the following: (apply only one)	
12 minutes in any one-hour period	Plus 5
3 minutes in any one-hour period	Plus 10
Noise of unusual impulsive character, such as hammering	Minus 5
Noise of unusual periodic character, such as humming or screeching	Minus 5

.043 **Vibration:** All commercial and manufacturing activities or uses which are located in a residential district or in the M-1 district within 400 feet of any boundary of a residential district, shall be so operated that no vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies on any structure beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, entitled "Seismic Effects of Quarry Blasting". The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this section.

(Alternate 1) — shall be so operated as not to generate ground vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, aircraft and temporary construction work is exempted from this standard.

(Alternate 2) — shall be so operated as not to generate ground vibration which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration

measuring equipment. Ground vibration caused by motor vehicles, trains, aircraft and temporary construction work is exempted from this standard.

.044

#### Electromagnetic Radiation.

- (A) General: It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The term "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronics Industries Association.
- (B) Electromagnetic Interference: For the purpose of these regulations, electromagnetic interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentioned sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper design. It shall be unlawful to operate or cause to be operated any source of electromagnetic interference, the radiation or transmissions from which exceed the maximum values tabulated below:

## RADIATED

Section of Electro-Magnetic Spectrum (from-to)	Primary Intended Service	Maximum Field Strength at Edge of Property Containing Interference Source
10 Kilocycles-100 Kc	Communications Service	500 Microvolts/Meter
100 Kc-535 Kc	Navigational Aids	300 Microvolts/Meter
535 Kc-1,605 Kc	AM Broadcasting	200 Microvolts/Meter
1,605 Kc-44 Megacycles	Various Communications Services	200 Microvolts/Meter
44 Mc-88 Mc	VHF Television	
	Airport Control	150 Microvolts/Meter
88 Mc-174 Mc	FM Broadcasting	200 Microvolts/Meter
174 Mc-216 Mc	VHF Television	150 Microvolts/Meter
216 Mc-580 Mc	Navigational Aids	
	Citizens Radio	250 Microvolts/Meter
580 Mc-920 Mc	VHF Television	300 Microvolts/Meter
920 Mc-30,000 Mc	Various	500 Microvolts/Meter

## BY TRANSMISSION OR CONDUCTION

Section of Electro-Magnetic Spectrum (from-to)	Primary Intended Service	Maximum Voltage Measured Line to Line or Line to Ground Where Power or Telephone Lines Cross Edge of Property Containing Interference Source
10 Kilocycles-100 Kc	Communications Service	2.5 Millivolts
100 Kc-535 Kc	Navigational Aids	1.5 Millivolts
535 Kc-1,605 Kc	AM Broadcasting	1.0 Millivolts
1,605 Kc-44 Megacycles	Various Communications Services	0.5 Millivolts
44 Mc-88 Mc	VHF Television	
	Airport Control	0.25 Millivolts
88 Mc-174 Mc	FM Broadcasting	1.5 Millivolts
174 Mc-216 Mc	VHF Television	0.15 Millivolts
216 Mc-580 Mc	Navigational Aids	
	Citizens Radio	5.0 Millivolts
580 Mc-920 Mc	UHF Television	20.0 Millivolts
920 Mc-30,000 Mc	Various	150.0 Millivolts

- (C) **Method of Measurement:** For the purpose of determining the level of radiated electromagnetic interference, standard field strength measuring techniques shall be employed. The maximum value of the tabulation shall be considered as having been exceeded, if at any frequency in the section of the spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

For purposes of determining the level of electromagnetic interference transmitted or conducted by power or telephone lines, a suitable, tunable, peak reading, radio frequency voltmeter shall be used. This instrument shall, by means of appropriate isolation coupling, be alternately connected from line to line and from line to ground during the measurement. The maximum value of the tabulation shall be considered as having been exceeded, if, at any frequency in the section of the spectrum being measured, the measured peak voltage exceeds the maximum value tabulated for this spectrum section.

.045

**Air Quality Standards:** All commercial and manufacturing activities and uses which are located in a residential, commercial or industrial district shall be so operated as not to exceed the Air Quality Standards specified herein.

- (A) **Definitions:** Particulate Matter — Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid including smoke, dust, fumes or mist.

**Process Weight Per Hour** — The total weight of all materials introduced into any specific process; which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

Combustion Contaminants — Particulate matter, sulfur, carbon, or their compounds discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

Atmosphere — The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

Standard Conditions — A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

- (B) Smoke: There shall not be discharged into the atmosphere from any source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
  - (1) As dark or darker in shade than that designated as No. 2 on the Ringleman Chart, as published by the United States Bureau of Mines, or its equivalent; or
  - (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection a. above.
- (C) Combustion Contaminants: There shall not be discharged into the atmosphere from any single source of emission, combustion contaminants (excluding condensed steam) in any state or combination thereof, exceeding at the point of discharge 0.3 grains per cubic foot of gas calculated to 12 per cent carbon dioxide ( $\text{CO}_2$ ) at standard conditions. Where process weight falls between figures stated, values of allowable discharge per hour shall be interpolated. Process weight is defined as total weight of raw materials entering process (not

weight of finished product). Solid fuels charged are considered as part of process weight but liquid and gaseous fuels and combustion air are not. In continuous operation, average rate of fuel is used. In batch operation, total batch weight divided by operating time of a batch cycle determines process weight per hour.

(D) Particulate Matter.

- (1) There shall not be discharged in any one hour from any sources whatsoever, except as provided in Section 3 above, particulate matter, excluding condensed steam, in total quantities in excess of the amount shown in the Table 1.
- (2) When the process weight is in excess of 60,000 pounds per hour, there shall not be discharged in any one hour, from any source whatsoever, dust or fumes in excess of .066 percent of the hourly process weight.

(E) Threshold Values: There shall not be discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmospheres by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit.

(F) Exceptions: Subsections (B), (C), (D) and (E) do not apply to:

- (1) Fire set by any public officer, employee or fireman in the course of his official duty, for the purpose of weed abatement, the prevention of fire hazard, or the instruction of public employees in the methods of fire fighting or research relating to the prevention and control of fires.
- (2) Agricultural operations in the growing of crops or raising of fowl or animals.

TABLE 1  
MAXIMUM ALLOWABLE DISCHARGE PER HOUR

Process Weight Per Hour, lb.	Allowable Discharge Per Hour, lb.	Process Weight Per Hour, lb.	Allowable Discharge Per Hour, lb.
50	0.24	3,300	5.36
100	0.46	3,400	5.44
150	0.66	3,500	5.52
200	0.852	3,600	5.61
250	1.03	3,700	5.69
300	1.20	3,800	5.77
350	1.35	3,900	5.85
400	1.50	4,000	5.93
450	1.63	4,100	6.01
500	1.77	4,200	6.08
550	1.89	4,300	6.15
600	2.01	4,400	6.22
650	2.12	4,500	6.30
700	2.24	4,600	6.37
750	2.34	4,700	6.45
800	2.43	4,800	6.52
850	2.53	4,900	6.60
900	2.62	5,000	6.67
950	2.72	5,500	7.03
1,000	2.80	6,000	7.37
1,100	2.97	6,500	7.71
1,200	3.12	7,000	8.05
1,300	3.26	7,500	8.39
1,400	3.40	8,000	8.71
1,500	3.54	8,500	9.03
1,600	3.66	9,000	9.36
1,700	3.79	9,500	9.67
1,800	3.91	10,000	10.00
1,900	4.03	11,000	10.63
2,000	4.14	12,000	11.28
2,100	4.24	13,000	11.89
2,200	4.34	14,000	12.50
2,300	4.44	15,000	13.13
2,400	4.55	16,000	13.74
2,500	4.64	17,000	14.36
2,600	4.74	18,000	14.97
2,700	4.84	19,000	15.58
2,800	4.92	20,000	16.19
2,900	5.02	30,000	22.22
3,000	5.10	40,000	28.30
3,100	5.18	50,000	34.30
3,200	5.27	60,000	40.00

.046 Odors.

- (A) There shall not be discharged or permitted to escape into the atmosphere, odors which shall be offensive to the public comfort, repose, health or safety.
- (B) The intensity of offensive odors shall be determined at the property line adjacent to the source in the manner described in Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951, Manufacturing Chemists Association, Inc., Washington, D.C.

.047 Nonradioactive Liquid or Solid Wastes: There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials, except in accordance with the regulations of the Clatsop County Health Department and the Oregon State Sanitary Authority, as applicable.

.048 Glare and Heat: No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source.

.049 Radioactive Materials: The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission as set forth in Title 10, Chapter 1, Part 20—Standards for Protection Against Radiation, as amended; and all applicable regulations of the state.

A final item of comment is that there are no fees established by the regulations for such things as zone changes, variances, appeals, etc. The justification for fees is that the applicant should help defray the cost of processing his application. It is not possible to retrieve the entire cost, but a portion can help to provide for zoning administration.



# building code review

The City of Butte is presently using the 1970 edition of the Uniform Building Code. The City also uses the Life Safety Code of the National Fire Protection Association and the National Electrical Code. There are no building codes in the County. The problem with the codes is that they are not retroactive and only apply to new buildings or to remodel construction. What has happened in Butte is that the codes have been kept up-to-date, but most of the buildings, especially in the uptown area, have not been changed or remodeled for many years. Parts of some old structures are in their original condition, but now they do not meet the codes. The major exception seems to be electrical wiring, which has been kept up-to-date as much as possible.

The major recommendation for the City of Butte is the adoption of the 1973 edition of the Uniform Building Code (UBC). Some related codes which should be considered are the Uniform Mechanical Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings, the latter of which could be of special help in the uptown area. This last code sets out procedures for remodeling dangerous buildings and follows due process provisions which reflect the latest court decisions. The code covers all structures and may be used to supplement the Building and Housing Codes.

The County should consider the adoption of these codes as long as they are compatible with existing City codes.





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